Attachment to document 02
Disclosed under FOI

COMMONWEALTH OMBUDSMAN

Form 3
Extension of time to investigate a PID

Do I need to apply?

Investigations under the PID Act must be completed within 90 days of the disclosure being allocated to an agency unless the agency has been granted an extension of time. An investigation is complete when the agency has prepared the investigation report.

Who can apply?

Both agencies and disclosers can apply for an extension of time. The Ombudsman may also provide an extension at its own initiative.

When to apply?

Extension applications must be made at least 10 days before the 90 day period expires. The Ombudsman cannot grant an extension after the 90 day deadline has passed.

How long should I ask for?

Agencies should use their best efforts to estimate the time they require to complete an investigation, and should provide clear information to support a request. Where possible, agencies should avoid multiple extension requests for the same investigation.

Is there an extension limit?

No. The Ombudsman may grant an extension to allow for the proper finalisation of an investigation report. Although there is no limit to the time agencies may request, it is important that requests are reasonable. Agencies may wish to inform the discloser of the request prior to the Ombudsman making a decision and notifying both parties.

How does the Ombudsman assess the request?

The Ombudsman will take into account all relevant information, including:

- the length of the extension sought
- the reasons for the extension
- the progress of the investigation
- the number of previous extension requests
- the discloser's views on the request, if any.

The Ombudsman may decline to grant an extension request where an agency has not provided clear reasons for the request, or where the investigation appears to have been subject to unreasonable or unexplained delay.

Do I need to contact the discloser?

Agencies must inform the discloser of the progress of an investigation as soon as practicable once an extension is granted. The Ombudsman will also separately inform the discloser of its decision. Agencies are not required to consult with the discloser prior to applying for an extension, however we encourage agencies to communicate regularly with the discloser about the progress of an investigation.

Contact us
ombudsman.gov.au
1300 362 072

GPO Box 442
Canberra ACT 2601

The Ombudsman has offices in:
» Adelaide
» Brisbane
» Canberra
» Melbourne
» Perth
» Sydney

PID PUBLIC INTEREST DISCLOSURE SCHEME

Please complete this form and send to the Ombudsman at **PID@ombudsman.gov.au**.

NOTE: if a *Notification of allocation decision* form has not been sent to the Ombudsman for this PID, please complete the Notification of Allocation form, which can be accessed on our PID Resources page, and send to **PID@ombudsman.gov.au** immediately.

1. Agency information:

Agency (name in full)	Australian Public Service Commission
Agency contact person **(name, phone number and email address)**	Kate McMullan 02 PID@apsc.gov.au
PID reference number	PID-2020-400006
Date of this request for extension	29/10/2020
Date disclosure allocated for handling under the PID Act	11/05/2020
Date '*Notification of allocation decision form*' sent to the Ombudsman	Not applicable – allocated by the Ombudsman to the APSC on 11 May 2020, after consent was provided on 7 July 2020.

2. Discloser details:

Agencies must provide the Ombudsman with the discloser's contact details where known, as our Office is required to advise the discloser of our decision about a request for an extension.

Discloser name (if known)	N/A – the discloser has requested anonymity be maintained.
Discloser email and/or phone number	

3. Extension request details:

Estimated length of investigation provided to discloser	180 days
Length of extension sought	30 days, being Wednesday 9 December 2020.
Reason for extension	Following the granting of the previous extension, I have engaged in correspondence with the discloser to consult with them on the proposed approaches to seeking relevant information and evidence from the relevant agency, sought, received and considered a large volume of additional material from the relevant agency alongside the large volume of material provided by the discloser. The extension sought should provide sufficient time to seek any final clarification of evidence from the relevant agency and, if relevant, put any potential adverse findings to the relevant agency for comment to ensure procedural fairness is provided ahead of the finalisation of the investigation report and to finalise the investigation report itself.
Action taken to progress investigation to date	11 May 2020 – Allocation of public interest disclosure 18/5, 18/6, 22/6, 29/6, 6/7 – Considering large volume of material 6/7, 17/7 – Consideration of potential next steps and development of forward plan 29 July 2020 – 7 August 2020: extension sought and granted 14 August 2020 – 10 September 2020: various correspondence with the discloser and consideration of next steps in approaching the relevant agency for relevant information 10 September – 27 October 2020: various correspondence with the relevant agency, gathering evidence, considering evidence, seeking additional evidence and consideration of next steps, potential findings and procedural fairness and requirements for completing the final investigation report.
Details of previous requests for extensions that were sought from the Ombudsman for this matter	On 29 July 2020 I requested that the time to complete the investigation be extended by 90 days, largely due to the volume of material received from the discloser, consideration of next steps and how best to approach the relevant agency in the conduct of my investigation. On 7 August 2020 the Ombudsman granted the request and specified a new due date of 9 November 2020.

The discloser's views on the request for extension, if provided	I notified the discloser on 29/10/20 that I am seeking a further extension and should they provide me with any views they would like me to pass on to you before the extension is granted, I will provide those to you for your consideration.

More information is available at **ombudsman.gov.au**.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the Federal Register of Legislation.